

Notice of Allowability

Application No.

09/807,512

Examiner

MINH-TAM DAVIS

Applicant(s)

SCHRIER ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 08/30/04.
2. ☒ The allowed claim(s) is/are 15, 22, 40-42, renumbered as 1-5.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04/08/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/30/04.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

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Appl. No. 09/807,512*Amendments to the Claims*

The listing of claims will replace all prior versions, and listings of claims in the application.

1-14. (Canceled)

¹
~~15~~. (Previously presented) An isolated polypeptide comprising the amino acid sequence of SEQ ID NO:2.

16-21. (Canceled)

²
~~22~~. (Previously presented) A composition comprising the polypeptide of claim ¹~~15~~ and a pharmaceutically acceptable carrier.

23-39. (Canceled)

³
~~40~~. (New) An isolated polypeptide consisting of the amino acid sequence selected from the group consisting of SEQ ID NO:11 and SEQ ID NO:12.

⁴
~~41~~. (New) The isolated polypeptide of claim ³~~40~~, wherein the amino acid sequence is SEQ ID NO:11.

⁵
~~42~~. (New) The isolated polypeptide of claim ³~~40~~, wherein the amino acid sequence is SEQ ID NO:12.

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Appl. No. 09/807,512*Remarks*

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 15, 22 and 40-42 are pending in the application with claim 15 being the independent claim. Claim 36 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 40-42 have been added in response to a telephone discussion with the Examiner in which the Examiner has indicated that the subject matter of claims 40-42 are free of the prior art, and could be included in the present application as newly added claims. Applicants thank the Examiner for the telephone discussion and for considering the subject matter of claims 40-42.

These changes are believed to introduce no new matter, and their entry is respectfully requested. Applicants respectfully request that the application be deemed sufficient for allowance.

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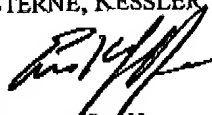
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Appl. No. 09/807,512**Conclusion**

Applicants believe that the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 8/31/04

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